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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,412	01/07/2002	James W. Arendt	AUS919970761US2	9333

42640 7590 03/22/2007		EXAMINER
DILLON & YUDELL LLP 8911 NORTH CAPITAL OF TEXAS HWY SUITE 2110 AUSTIN, TX 78759		JEAN GILLES, JUDE
	ART UNIT	PAPER NUMBER
	2143	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/042,412	ARENDT ET AL.
	Examiner	Art Unit	
	Jude J. Jean-Gilles	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _19 December 2006_.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _14-16,18-20,23,24,27-29 and 31_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _14-16,18-20,23,24,27-29 and 31_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _07 January 2002_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

This Action is in regards to the Reply received on 12/19/2006.

Response to Amendment

1.   This action is responsive to the application filed on 01/07/2002. Claims 1-13, 17,

21-22, 25-26, and 30 are cancelled. Claims 14, 18, 19, 23, 27, and 31 were amended.

There are no newly added claims. **Claims 14-16, 18-20, 23, 24, 27-29, and 31** are

pending represent a method and apparatus for "HIGHLY SCALABLE AND HIGHLY

AVAILABLE CLUSTER SYSTEM MANAGEMENT SCHEME".

Response to Arguments

2.   Applicant's arguments with respect to independent claims 14, 23, and 27 have

been carefully considered, but are not deemed fully persuasive. Applicant's arguments

are deemed moot in view of the following new ground of rejection as explained here

below, necessitated by amendment to the independent claims and applicants'

argument. However, the Office Action is Non-Final because no new subject matter has

been introduced and the amendment to the independent claims resulted from the

addition of subject matter previously presented in cancelled claims.

The dependent claims stand rejected as articulated in the Previous Office Action

and all objections not addressed in Applicant's response are herein reiterated.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 14-16, 18-20, 23, 24, 27-29, and 31** are rejected under 35 U.S.C. 102(e) as

being anticipated by Vert et al (Vert), Patent No. 6,360,331 B2.

Regarding **claims 14-16, 18-20, 23, 24, 27-29, and 31**, Tojek discloses :

1-13. (Cancelled)

14. (Currently Amended) A method of partially replicating configuration

information in a distributed database (figs 2 and 3; see database in fig. 4), comprising:

defining a subset of data processing systems within a cluster system as a

resource group, wherein a data processing system may be a member of more than one

resource group (column 4, lines 63-67; column 5, lines 1-17; and column 8, lines 18-

23,23, 62-67);

defining configuration data for the resource group by instantiating a configuration

object containing configuration and status information for a highly available application

corresponding to the resource group and having an associated list of data processing

systems within the resource group (column 14, lines 14-31); and

replicating the configuration data only on each data processing system within the

resource group (column 7, lines 2-11; column 8, lines 37-52, and column 13, lines 48-

61).

15. (Original) The method of claim 14, wherein the step of defining a subset of data

processing systems within a cluster as a resource group further comprises:

defining a highly available application and each data processing system

designated to manage the application as a resource group (column 4, lines 63-67;

column 8, lines 62-67).

16. (Original) The method of claim 15, wherein the step of defining a highly

available application and each data processing system managing the application as a

resource group further comprises:

defining a plurality of resource groups for each highly available application within

the cluster, each resource group including all data processing systems managing the

corresponding application (column 4, lines 63-67; column 8, lines 62-67).

17. (Cancelled)

18. (Currently Amended) The method of claim 14, wherein the step of replicating

the configuration data only on each data processing system within the resource group

further comprises:

replicating the configuration object on each data processing system identified in

an owners list associated with the configuration object (column 7, lines 2-11; column 8,

lines 37-52, and column 13, lines 48-61).

19. (Currently Amended) The method of claim 14, wherein the step of replicating the configuration data only on each data processing system within the resource group further comprises:

replicating, on a data processing system, a configuration object for each resource group including the data processing system (column 7, lines 2-11; column 8, lines 37-52, and column 13, lines 48-61).

20. (Original) The method of claim 14, further comprising:

maintaining, on a data processing system, a configuration object for each resource group including the data processing system and no configuration objects for other resource groups (column 14, lines 14-31).

21-22. (Cancelled)

23. (Currently Amended) A computer program product in a computer usable medium (figs 2, 3, and 4), comprising:

instructions defining a subset of data processing systems within a network as a resource group, wherein a data processing system may be a member of more than one resource group (column 4, lines 63-67; column 5, lines 1-17; and column 8, lines 18-23,23, 62-67);

instructions defining configuration data for the resource group comprising instructions instantiating a configuration object containing configuration and status information for a highly available application corresponding to the resource group and having an associated list of data processing systems within the resource group (column 14, lines 14-31); and

instructions for replicating the configuration data only on each data processing

system within the resource group (column 7, lines 2-11; column 8, lines 37-52, and

column 13, lines 48-61).

24. (Original) The computer program product of claim 23, wherein the instructions

defining a highly available application and each data processing system managing the

application as a resource group further comprise:

instructions defining a plurality of resource groups for each highly available

application within the network, each resource group including all data processing

systems managing the corresponding application (column 4, lines 63-67; column 8,

lines 62-67).

25-26. (Cancelled)

27. (Currently Amended) A cluster multiprocessing system (figs 2, 3, and 4),

comprising:

a plurality of data processing systems segregated into a plurality of resource

groups, wherein each of the plurality of data processing systems may be a member of

more than one resource group (column 4, lines 63-67; column 5, lines 1-17; and column

8, lines 18-23,23, 62-67);

a plurality of configuration objects each corresponding to a resource group

within the plurality of resource groups wherein each of the plurality of configuration

objects contains configuration and status information for a highly available application

corresponding to the resource group and an associated owners list of data processing

systems within the resource group (column 14, lines 14-31); and

wherein each of the plurality of configuration objects is replicated only on

each data processing system within the resource group associated with the

configuration object (column 7, lines 2-11; column 8, lines 37-52, and column 13, lines

48-61).

28. (Original) The cluster multiprocessor system of Claim 27, wherein a highly

available application and each data processing system designated to manage the

application is defined as a resource group (column 4, lines 63-67; column 8, lines 62-

67).

29. (Original) The cluster multiprocessor system of Claim 28, wherein a plurality of

resource groups is defined for each highly available application within the cluster,

each resource group including all data processing systems managing the

corresponding application (column 4, lines 63-67; column 8, lines 62-67).

30.   (Cancelled)

31. (Currently Amended) The cluster multiprocessor system of Claim 27, wherein

each of the plurality of configuration objects are replicated on each data processing

system identified in an owners list associated with the configuration object (column 4,

lines 63-67; column 8, lines 62-67).

Conclusion

5. Any inquiry concerning this communication or earlier communications from examiner

should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914.

The examiner can normally be reached on Monday-Thursday and every other Friday

from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for

the organization where this application or proceeding is assigned is (703) 305-3719.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 305-

3900.

Jude Jean-Gilles

Patent Examiner

Art Unit 2143

JJ

March 5, 2007

DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100